

REMARKS

Claims 10 and 13-17 are pending in the above-identified application. Claims 10 and 13-17 were rejected. With this Amendment, claims 10 and 13 were amended. Applicants maintain that no new matter has been added. Accordingly, claims 10 and 13-17 are at issue in the above-identified application.

35 U.S.C. § 112 Indefiniteness Rejection of Claims

Claim 13 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. As a result, Applicants have amended claim 13 to more particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Withdrawal of this ground of rejection is respectfully requested.

Claim Analysis

The Examiner has noted that the specification states that a plasticizer or solvent may comprise an ester, ether or carbonate and that the solvent is removed to solidify the electrolyte. The Examiner further then states that a plasticizer is interpreted as any ester, ether or carbonate compound. Applicants disagree with the Examiner's assessment on these points and do not believe that the plasticizer necessarily must be interpreted as any ester, ether or carbonate compound.

Double Patenting

Claims 10, 13 and 15-17 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 2, 4-6, 8, 10 and 11 of U.S. Patent No. 6,506,523 B1. Applicants have submitted a timely filed Terminal Disclaimer in order to overcome this rejection. Withdrawal of this rejection is respectfully requested.

35 U.S.C. § 103 Obviousness Rejection of Claims

Claims 10 and 13-17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Gao et al.* (U.S. Patent No. 5,756,230) in view of *Andrieu et al.* (U.S. Patent No. 5,811,205). Amended claim 10, from which claims 13-17 depend, recites a solid-electrolyte secondary battery comprising a solid-electrolyte comprising a matrix polymer comprising a fluorocarbon polymer having a weight average molecular weight of *greater than 550,000*. None of the above-cited references, either alone or in combination, teach or even suggest a solid-electrolyte secondary battery comprising a solid-electrolyte comprising a fluorocarbon polymer having a weight average molecular weight of greater than 550,000. For example, the *Gao et al.* reference is based in part on a discovery that employing a polymer blend which includes fluoropolymers in a polymer matrix and binder materials significantly improves the structural integrities of the polymeric matrix of the electrolyte layer and of the anode and cathode. (See *Gao et al.*, column 2, lines 45-50). As a result, the fluoropolymer blends taught in *Gao et al.* include homopolymers typically having a molecular weight in the range of 50,000 to 900,000. (See *Gao et al.*, column 4, lines 50-53). *Gao et al.* also teaches that preferably the polymers employed have a high average molecular weight between 50,000 to 750,000, more preferably 50,000 to 200,000, and most preferably 50,000 to 120,000. Such a range actually teaches away from a fluorocarbon polymer having a weight average molecular weight of greater than 550,000. Applicants maintain that limitations found in claim 1, specifically the fluorocarbon polymer having a weight average molecular weight of *greater than 550,000*, provide results that are unexpected in light of the prior art and that are commercially significant, as proven by the attached Declaration Under 37 C.F.R. § 1.132.

Response to August 20, 2003 Office Action

Application No. 09/446,641

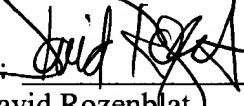
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Accordingly, Applicants submit that the claimed invention is not anticipated by nor obvious over the applied references, either alone or in combination. Withdrawal of these grounds of rejection is respectfully requested.

CONCLUSION

In view of the above amendments and remarks, Applicants respectfully submits that all present invention is in condition for allowance. Early notification of such effect is earnestly solicited. Should the Examiner have any remaining issue, Applicants kindly requests that the Examiner contact the undersigned.

Respectfully submitted,

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